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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
ALBERT A. ROMANO, D.C.	:	CONSENT ORDER
LICENSE NO. MCO3833	:	
	:	
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the Board of Chiropractic Examiners (hereinafter, the "Board") following an investigation of the chiropractic practices of Steven Verchow, D.C. and Alexander Kuntzevich, D.C. (hereinafter, "Dr. Verchow" and "Dr. Kuntzevich", respectively, or "Drs. Verchow and Kuntzevich", collectively), and the role which Albert A. Romano, D.C. (hereinafter, "Dr. Romano" or "Respondent") performed in these chiropractic practices.

Respondent was represented in the investigation of Dr. Romano by counsel, Peter D. Manahan, Esq. of the law firm of Connell, Foley & Geiser.

The Board has reviewed the transcript of a deposition which was given by Respondent in the matter of Gerladine Cabrera et al. v. J & S Transport et al. (Superior Court of New Jersey, Law Division - Passaic County, Docket No. PAS-L-9479-93) on November 1, 1994 and May

Passaic County, Docket No. PAS-L-9479-93) on November 1, 1994 and May 12, 1995 (hereinafter the "Cabrera case deposition"). The Board has also reviewed various patient files in which Respondent was an examining and/or treating chiropractic physician and a participant in the chiropractic practices of Drs. Verchow and Kuntzevich.

The Respondent makes the following admissions or assertions:

1. Respondent practiced as an associate in the Accident and Illness Center of Newark, located in Newark, New Jersey from approximately November of 1990 to approximately April of 1992, and as an associate in the Paterson-Bergen Chiropractic Associates, located in Paterson New Jersey, from approximately April of 1992 to February of 1993; both of these treatment centers were owned by Drs. Verchow and Kuntzevich at all times pertinent hereto.

2. Respondent failed to exercise his professional duty to make independent chiropractic judgments as to the diagnosis and treatment of his patients, but rather deferred to directions of Drs. Verchow and Kuntzevich and others in their practice; Drs. Verchow and Kuntzevich and these others did not know the specific needs of the patients Respondent examined or treated such that chiropractic decisions were made without reference to the specific needs of these patients, but rather for the sole purpose of justifying inflated insurance claims for services rendered and underpinning personal injury litigation in lawsuits brought by patients.

3. Respondent limited the time he took for initial chiropractic diagnostic examinations to approximately 5 to 10 minutes, and for reexaminations to approximately 5 minutes, although he knew or should have known that more time was required to perform an effective

diagnostic examination; he did so at the direction of Drs. Verchow and Kuntzevich.

4. Respondent made diagnoses of disk wedging and disk displacement in all or the overwhelming majority of patient cases, although this condition did not exist or was of no clinical importance to the diagnosis of these patients.

5. Respondent participated in the practice of recording each patient's range of motion in a manner which was not accurate but which was intended to reflect a lesser degree of range of motion than the patient actually had, in order to appear that the patient's condition was more serious than it actually was, in order to justify continuing treatments and to form the basis for personal injury lawsuits.

6. Respondent did not perform diagnostic evaluations appropriate to each presenting patient and therefore violated N.J.A.C. 13:44E-1.1(b)

7. Respondent aided and abetted in ordering diagnostic tests which were neither chiropractically nor medically necessary in the care of the overwhelming majority of the patients he either examined or treated; these tests were ordered solely to increase fees and to form the basis for personal injury lawsuits.

8. Respondent treated patients without regard to whether these patients needed chiropractic treatments; he aided and abetted in rendering purported treatments, including what purported to be adjustments and therapeutic modalities, solely because there existed a requirement imposed by Drs. Verchow and Kuntzevich that each patient receive a predetermined number of weekly treatments which were to accumulate to a minimum of eighty (80) chiropractic treatments prior

to being discharged from care and without regard to whether, prior to eighty treatments, the patient had reached maximum chiropractic benefit from the ongoing treatments; in participating in these practices, respondent failed to exercise the independent judgment that is required of a professional chiropractic licensee; he abandoned that judgment not only to other chiropractic licensees who were not familiar with the case histories of the patients treated, but also to unlicensed personnel. In addition, the manner in which the purported "treatments" were rendered resulted in therapeutically ineffective "treatments" which actually were not treatments.

9. Respondent participated in a numbering system for recording the condition of each patient at each visit; numbers were used without regard to the actual physical condition of the patients but merely to justify ongoing chiropractic treatments and to form the basis for seeking higher awards in personal injury lawsuits.

10. Although at some point in time Respondent objected to the practice, Respondent initially failed to take all actions necessary to immediately stop the practice of his name being signed by unlicensed personnel to order unnecessary diagnostic tests without his prior authorization.

11. Respondent engaged in the practice, pursuant to instructions he received from Dr. Verchow, of pressing harder and with inordinate force in order to elicit the diagnostically insignificant finding that patient felt pain.

12. Respondent repeatedly indicated in patient records that he performed "neuromuscular reeducation" on patients, when, in fact he did not, and when, in any event, these patients were not in need of

neuromuscular reeducation; insurance companies were then billed for "neuromuscular reeducation."

13. Respondent failed to keep accurate contemporaneous patient records in violation of N.J.A.C. 13:44E-2.2(a).

The Board finds that the above-stated conduct, as well as other conduct not specifically recited herein, engaged in by Respondent constitutes:

a. dishonesty, fraud, deception and misrepresentation in violation of N.J.S.A. 45:1-21(b);

b. gross and repeated acts of negligence in violation of N.J.S.A. 45:1-21(c) and (d);

c. professional misconduct in violation of N.J.S.A. 45:1-21(e);

d. violation of regulations and statutes administered by the Board, in violation of N.J.S.A. 45:1-21(h).

The Board also finds that, although Respondent was untruthful in that part of the Cabrera case deposition which occurred on November 1, 1994, that conduct may have been caused, in part, by pressure brought to bear on Respondent and, as he believes, by questionable legal counsel. The Board further finds that Respondent voluntarily came forward on May 12, 1995 to reverse and correct the prior statements he had previously made in the Cabrera case deposition.

The Board also recognizes that Respondent, although he delayed to some extent, eventually has been cooperative with the Attorney General in investigating certain practices of other chiropractic licensees and other health care professionals. The Board notes that other

chiropractic licensees who were associates in the chiropractic practice of Drs. Verchow and Kuntzevich did come forward earlier to make known information regarding the chiropractic practice of Drs. Verchow and Kuntzevich; on the other hand, the Board also notes that other persons with information about this practice have not yet come forward as did Respondent.

The Board, taking notice of these findings and factors, and the parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that Respondent, Albert A. Romano, D.C., acknowledges the findings of the Board previously set forth as accurate that his admissions and assertions constitute grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(b), (c), (d), (e) and (h), and it further appearing that Respondent has read the terms of this Order and understands their meaning, consents to be bound by same, and it further appearing that the Board finds that the within Order is adequately protective of the public interest, and it further appearing that good cause exists for entry of the within Order:

IT IS THEREFORE ON THIS 27th DAY OF June, 1995
ORDERED:

1. Respondent's license be and hereby is suspended for the above stated conduct for three years, all but two months of said suspension to be stayed and to be deemed a period of probation, the conditions of which shall be that Respondent remains in compliance with all other provisions of this Order and all statutory and regulatory provisions applicable to the practice of chiropractic. Respondent shall, contemporaneous with the entry of this order, or on a date

within one year of the date of this order, as shall be approved by the Board, surrender his license for the two month period of active suspension provided for herein.

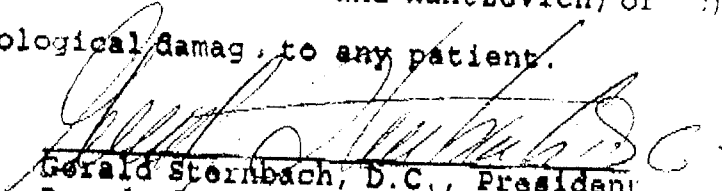
2. Respondent shall, contemporaneously with the entry of this order, pay or commence payment of a civil penalty to the Board in the amount of twelve thousand (\$12,000) dollars by certified check(s) or money order(s) made payable to the New Jersey State Board of Chiropractic Examiners; at Respondent's discretion, payment may be made in 36 equal monthly payments of three hundred thirty three and 33/100 (\$333.33) dollars, provided the first payment is made contemporaneous with entry of this order, and each payment thereafter is made on the first day of each calendar month, and the full amount is paid within three years of the date of this order.

3. Respondent shall submit to ongoing monitoring of his chiropractic practice and shall submit to random and unannounced audits of the respondent's patient records and billing records as may be conducted by the Board's designees, at the Board's discretion, for a period of three years from the entry date of this Order. On demand made, the respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees.

4. Respondent shall, contemporaneously with the entry of this order, pay costs to the Board in an amount not to exceed one thousand (\$1,000) dollars by certified check or money order made payable to the New Jersey State Board of Chiropractic Examiners.

5. Notwithstanding any provision of this Order, nothing in this Order shall prevent the Board, in its sole discretion, from

deciding to initiate any action it deems appropriate and necessary to discipline Respondent or to protect the public health, safety and welfare, consistent with its authority, including but not limited to its authority as set forth in N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22, where such conduct (a) occurred prior to November, 1990 or after February 12, 1993; or (b) during the period 1990 to 1993, was not conduct relating to the practice of Drs. Verchow and Kuntzevich, as described herein or in the administrative complaint filed with the Board on October 12, 1994 regarding Drs. Verchow and Kuntzevich; or (c) resulted in physical or psychological damage to any patient.


Gerald Sternbach, D.C., President
Board of Chiropractic Examiners

I have read the within Order.
I understand the Order, and I
agree to be bound by its terms
and conditions. Consent is
hereby given to enter this Order.


Albert A. Romano, D.C.

Consented as to form and entry


Peter D. Manahan, Esq.
Attorney for Respondent